

**RECEIVED
CENTRAL FAX CENTER****OCT 26 2006**

Commissioner of Patents
Serial No. 10/759,944
Amendment Date: October 26, 2006
Reply to Office Action dated July 27, 2006
Page 11

53. (Cancelled) A re-useable shipping pallet for shipping one or more windshields comprising,

a base having a first side and a second side,

a transverse member, the transverse member extending between the first side and the second side of the base, and

at least one side restraint for engaging at least one windshield, the at least one side restraint engageable with the transverse member by a ratchet and pawl.

54. (Cancelled) The pallet of claim 53, wherein the ratchet is attached to the transverse member.

REMARKS

I. Status of the Application.

Claims 1-54 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

- (a) Allowed claims 1-12, and raised an informality that needed to be corrected;
- (b) Withdrew claims 44-46 and 50-54 from further consideration under 37 C.F.R. § 1.142(b) as being drawn to a nonelected invention;
- (c) Rejected claims 39 and 49 under 35 U.S.C. § 112, second paragraph;

Commissioner of Patents
Serial No. 10/759,944
Amendment Date: October 26, 2006
Reply to Office Action dated July 27, 2006
Page 12

(d) Rejected claims 13 and 14 under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Patent Application Publication No. 2003/0164318 to Lacasse et al.;

(e) Rejected claims 47 and 48 under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Patent No. 4,010,849 to Pater et al. ("Pater");

(f) Rejected claims 13, 14, and 28 under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Patent No. 4,512,473 to Thomaswick et al. ("Thomaswick"); and

(g) Rejected claims 15-27, 29-43, and 47-49 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Thomaswick in view of Pater and United States Patent No. 5,603,419 to Peterson.

In this response, Applicant amends claims 1, 4, 5, 6, and 8 to correct typographical errors, and cancels claims 13-43 and 47-49. Applicant respectfully submits that the foregoing amendments to claims 1, 4, 5, and 6 and the cancellation of all rejected and previously withdrawn claims to overcome the Examiner's rejections and objections and place the Application in condition for allowance. Presently, only allowed subject matter remains in the application. Therefore, Applicants respectfully request allowance of the present claims.

II. Applicant's Amendments Do Not Constitute New Matter.

As previously mentioned, in the Office Action, the Examiner indicated that claims 1-12 were in allowable form and only raised one informality that needed to be corrected. Specifically, the Examiner requested that "first second third" should be replaced with "first, second, third" in

Commissioner of Patents
Serial No. 10/759,944
Amendment Date: October 26, 2006
Reply to Office Action dated July 27, 2006
Page 13

claim 1. (Office Action, p. 3). As shown in the above claim listing, Applicant has made the necessary amendment to correct this informality. In addition, Applicant has made equivalent amendments to claims 4-6 to correct the same error. Claim 8 was similarly amended to correct a typographical error. Therefore, the amendments to the aforementioned claims merely correct a typographical error noted by the Examiner.

Applicant respectfully submits that the foregoing amendments to the claims do not add new matter to this Application and merely correct typographical errors. Accordingly, Applicant respectfully submits that the amendments should be entered and claims 1-12 should proceed to allowance.

III. The Rejection of Claims 39 and 49 Under 35 U.S.C. § 112, Second Paragraph, Claims 13, 14, 28, 47, and 48 Under 35 U.S.C. § 102, and Claims 15-27, 29-43, and 47-49 Under 35 U.S.C. § 103(a) Should Be Withdrawn.

Applicant respectfully submits that the rejection of claims 39 and 49 under 35 U.S.C. § 112, second paragraph, claims 13, 14, 28, 47, and 48 under 35 U.S.C. § 102, and claims 15-27, 29-43, and 47-49 under 35 U.S.C. § 103(a) should be withdrawn because all of these claims have been cancelled. Accordingly, these rejections are now moot and should be withdrawn.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that claims 1-12 are allowable claims. Allowance of this Application is therefore respectfully requested. Applicant does not believe that any fees are due in connection with this filing. In the event Applicant has inadvertently overlooked the need for payment of any fees, Applicant conditionally petitions

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

Commissioner of Patents
Serial No. 10/759,944
Amendment Date: October 26, 2006
Reply to Office Action dated July 27, 2006
Page 14

therefore, and authorizes any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number. If there are any other further objections or rejections, the Examiner is invited to contact the undersigned to discuss the Application.

Respectfully submitted,

ICE MILLER LLP

Homer W. Faucett, III
Attorney Number 56,348
ICE MILLER LLP
One American Square, Suite 3100
Indianapolis, IN 46282-0200
Telephone: (317) 236-2120
Facsimile: (317) 592-4819

Date: 

HWf/pgf

Enclosure: Fax Transmittal Sheet